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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,921	06/14/2001	Gerald Francis McBrearty	AUS920010388US1	8362
35525	7590	09/21/2004	EXAMINER	
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			VAUGHAN, MICHAEL R	
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/881,921

Applicant(s)

MCBREARTY ET AL.

Examiner

Michael R Vaughan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

Claims 1-30 have been examined and are pending.

***Claim Rejections - 35 USC ' 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 11-13, 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Weiss (USP 4,654,480).

As per claims 1, 11, and 21, Weiss teaches encrypting each of the plurality of data chunks; calculating a plurality of intermediate digital digests based on the encrypted data chunks, each intermediate digital digest being associated with one or more of the data chunks; and formulating a data package comprising the encrypted data chunks and the plurality of intermediate digital digests (col. 4, line 63—col. 5, line 20).

As per claims 2, 12, and 22, Weiss teaches each of the intermediate digital digests corresponds to a more than one data chunk (col. 9, lines 4-15).

As per claims 3, 13, and 23, Weiss teaches each intermediate digital digest builds from a previously calculated intermediate digital digest (col. 5, lines 20-35).

As per claims 4, 14, and 24, Weiss teaches the encrypted data package being comprised of a plurality of encrypted data portions, comprising: reading an encrypted data portion from the plurality of encrypted data portions; calculating a calculated digital digest for the encrypted data portion; decrypting an intermediate digital digest from the encrypted data package; and authenticating the encrypted data portion based on a comparison of the intermediate digital digest to the calculated digital digest col. 4, line 63—col. 5, lines 63).

As per claims 5, 15, and 25, Weiss teaches if the intermediate digital digest matches the calculated digital digest, the encrypted data portion is authentic (col. 5, lines 35-40).

As per claims 6, 16, and 26, Weiss teaches decrypting the encrypted data portion; and repeating the steps of reading, decrypting and authenticating for a next encrypted data portion of the data package (col. 12, lines 5-20).

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As per claims 7, 17, and 27, Weiss teaches the intermediate digital digest corresponds to an amount of data different from an amount of data in the encrypted data portion (col. 4, lines 63—col. 5, line 5).

As per claims 8, 18, and 28, Weiss teaches reading an intermediate digital digest from, a digital digest portion of the encrypted data package, the digital digest portion having a plurality of intermediate digital digests arranged in an order (col. 5, lines 20-41).

As per claims 9, 19, and 29, Weiss teaches the intermediate digital digest is built up from a previous intermediate digital digest in the order (col. 5, lines 2-5).

As per claims 10, 20, and 30, Weiss teaches the intermediate digital digest corresponds to a different amount of encrypted data than other intermediate digital digests in the digital digest portion (col. 5, lines 4-15).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R Vaughan whose telephone number is 703-305-0354. The examiner can normally be reached on M-F 7:30-4:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MV  
Michael R Vaughan

Examiner

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SUPERVISORY PATENT EXAMINER  
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